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**FACSIMILE COVER SHEET**

**Date:** December 5, 2007

**To Examiner:** Ganapathy, Krishnan  
Group 1623

**From:** Suanne Nakajima  
Limited Recog. No. L0344

**Fax Number:** (571)273-8300

**Subject: Paper:** Petition Under 37 CFR 1.183

**Docket No.:** 2685.2046 US3

**Applicants:** Richard P. Batycky, *et al.*

**Serial No.:** ~~10/607,571~~ 10/763377 T.W.

**Filing Date:** June 26, 2003

**Number of pages including this cover sheet** 15

**Please confirm receipt of facsimile:** Yes X No \_\_\_\_\_

**Comments:**

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From gmt  
12/17/07

DEC 05 2007

PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)400.**Complete if Known**

Application Number	10/763,377
Filing Date	January 23, 2004
First Named Inventor	Yat Sun Or
Examiner Name	Ganapathy Krishnan
Art Unit	1623
Attorney Docket No.	4014.1074 US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 502807 Deposit Account Name: Elmore Patent Law Group

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Under 37 CFR 1.183 \$400.**SUBMITTED BY**

Signature

Darlene A. VanStone

Registration No.

Attorney/Agent 35,729Telephone 978.251.3509

Name (Print/Type)

Date Dec 5, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4014.1074 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 05 2007

Applicant: Yat Sun Or

Application No.: 10/763,377

Filed: January 23, 2004

Confirmation No.: 7571

TC/A.U. : 1623

Examiner : Ganapathy Krishnan

Docket No. : 4014.1074 US

For: Bridged Macrocyclic Compounds and Processes for the Preparation Thereof

PETITION UNDER 37 C.F.R. 1.183Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am writing to request that the reply brief which was due on December 04, 2007 will be enter as timely. My failure to electronically file the reply brief by 12:00 am EST on December 04, 2007 is due to the unavailability of the TEAS site at the USPTO.

At about 11:30 p.m. EST, I tried to submit the reply brief electronically and failed due to the EFS-web server problem. I was able to upload the reply brief and enter all the appropriate information, however, at the submit button, the site froze and locked me out of private pair. I tried several time thinking it was a glitch on my end. Each attempt I was able to upload the reply brief but was able to finalizing the submission. By the time I realized that something was wrong with the TEAS site, I panic since I don't have a fax machine at home. Out of desperation, I asked someone in Calgary, Canada (Mountain Stanadard Time) to fax the response in for me. The fax transmission verification report (attached) showed that the reply brief was faxed at 11:01 pm in MST which is 1:01 am in EST. I continued to try submitting the reply brief electronically, but was still unsuccessful and therefore I emailed the EBC center at 1:35 am describing the problem (attached). I waited until 6 am in the morning of December 05, 2007 and then called the EBC center again. I spoke with Mohammed about the problem and then he tried to submit something

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12/18/2007 ERYALEH1 00000061 502607 10763377  
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Application No.: 10/763,377

himself and he also had the same problem. He gave the ticket number of 1-101476760 to prove that TEAS site had a problem.

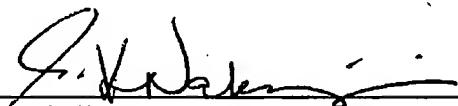
I respectfully request that you would reconsider entering the reply brief (attached again) as timely since it was not my fault that the TEAS site had a problem. I would have driven to a shop near by to fax in the reply brief if I knew the TEAS site was complete down. The fact that I can access private pair and upload the reply brief did not make think that there was something wrong with the server. The only fault of mine with this situation is that I had too much faith the EFS system. I ask for your pardon and allowed the reply brief to be entered as timely.

Summary

The fees required for filing this petition under §1.17(f) and for the Request for reconsideration that the reply brief was filed timely are authorized to be charged to Deposit Account No. 502807. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 502807.

Respectfully submitted,

ELMORE PATENT LAW GROUP, P.C.

By   
Suanne Nakajima  
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Tel.: (978) 251-3509  
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N. Chelmsford, Massachusetts 01863  
Date: December 05, 2007

## TRANSMISSION VERIFICATION REPORT

TIME : 12/04/2007 23:05  
NAME :  
FAX : 2748238  
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DATE, TIME	12/04 23:01
FAX NO./NAME	15712738300
DURATION	00:03:29
PAGE(S)	09
RESULT	OK *
MODE	PHOTO
	ECM

\* : COLOR FAX NOT AVAILABLE

**Suanne Nakajima**

**From:** Suanne Nakajima  
**Sent:** Wednesday, December 05, 2007 1:35 AM  
**To:** 'EBC@uspto.gov'  
**Subject:** Electronic filing problem  
**Attachments:** Replybrief.pdf

Dear Sir,

I have been trying to submit the attached reply brief since about 11:30 pm on December 4 (the due date) until now and I am still unsuccessful in doing so. It appears that my unsuccessful attempts are due to the EFS-web server problem (see print 1 copy below). I keep getting a blank page (see print 2 below). Can you please enter my reply brief as of December 4? or please let me know how I should go about getting the filing date of Dec.4.

Print 1

The screenshot shows the EFS web interface. On the left is a navigation menu with categories like 'Patent Business', 'Patent Information', 'Patent Searches', and 'Other'. The main content area has a header with 'EFS Registered' and 'Certification' tabs. Below the tabs, a message states: 'A submission has not been filed officially at the USPTO until the e-File executes the Submit function and the documents are received at the USPTO EFSweb Time. The Acknowledgment Receipt is evidence of this submission.' Below this, there is a section titled 'Your Digital Certificate has been authenticated - please certify your identity:' with radio button options for 'I certify that I am the certificate holder Suanne Nakajima', 'I certify that I am working under the authority of the certificate holder: Suanne Nakajima', and 'New application'. There are also checkboxes for 'Man Functions' and 'Existing application/patent'. At the bottom, there is a section for 'Select Type of Existing Application' with a radio button for 'Documents/Fees for an existing application'.

Print 2

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PAGE 7/15 \* RCVD AT 12/5/2007 5:53:04 PM (Eastern Standard Time) \* SVR:USPTO-EFAXF-6/39 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):04:00